



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,034	12/14/2000	Werner Obrecht	Mo-5842/LeA 34,092	4130
34947	7590	11/03/2006	EXAMINER	
LANXESS CORPORATION 111 RIDC PARK WEST DRIVE PITTSBURGH, PA 15275-1112			SERGENT, RABON A	
			ART UNIT	PAPER NUMBER

1711

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER

ART UNIT	PAPER
----------	-------

20061029

DATE MAILED:


Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The reply filed on August 17, 2006 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicants' response to the Office action of May 17, 2006 is improper, because it argues that rejections are moot in view of the non-entry of the amendment of February 27, 2006. In fact, the claim set of February 27, 2006 was entered and examined on the merits. No indication to the contrary has been set forth within the Office action. Accordingly, a proper response to the Office action must address the rejections set forth, and amendments must be made relative to the entered amendment of February 27, 2006. See the enclosed Notice of Non-Compliant Amendment. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Any inquiry concerning this communication should be directed to R. Sergent at telephone number (571) 272-1079.

R. Sergent
October 29, 2006


Rabon Sergent
Primary Examiner
Art Unit: 1711

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

09/739,034

Examiner

Rabon Sergeant

Applicant(s)

OBRECHT ET AL.

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 17 August 2006 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
- ☒ A. A complete listing of all of the claims is not present.
 - ☒ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: See Continuation Sheet.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

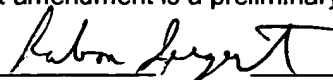
1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.



Legal Instruments Examiner (LIE), if applicable

RABON SERGENT Telephone No.
PRIMARY EXAMINER

Continuation of 4(e): Despite applicants' remarks, amendments must be made relative to the prior examined version of the claims, specifically, the claim set of February 27, 2006, because the Office action of May 17, 2006 set forth no requirement for a corrected amendment, and it is not within applicants' purview to indicate to the Office which amendments are proper for entry. The remark within paragraph 2 of the Office action was simply intended to educate applicants with respect to future amendments, and there is no indication whatsoever within the Office action that the claim amendments were not entered. Regarding the Office action of May 17, 2006, in view of the previous Notice of Non-Compliant Amendment of February 3, 2006 and in the interest of customer service, the examiner elected to waive the requirements with respect to the amendment of February 27, 2006 and examine the claims as presented. In effect, the examination on the merits of the claims of February 27, 2006 fixed their content and form, so that the next amendment must be made relative to this examined claim set. During the referenced teleconference of August 9, 2006, applicants did not specify that the claims had been examined on the merits; and the examiner interpreted the applicants' questions as generally asking how to respond to two consecutive Notices of Non-Compliant Amendment. However, as is clear from the facts of the case, the situation that was set forth during the teleconference is not relevant to the issues at hand. The confusion is regretted; however, had the facts of the case been more clearly represented to the examiner, a different response appropriate for the instant application would have been provided.



RABON SERGENT
PRIMARY EXAMINER